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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUCERO SANCHEZ

Case No. 3:21-cv-00352

Plaintiffs,

vs.

RENOWN SOUTH MEADOWS
MEDICAL CENTER, a Nevada
Non-Profit Corporation; and
RENOWN HEALTH, a Nevada
Non-Profit Corp., and DOES 1 – 20,
inclusive,

COMPLAINT- TITLE VII

ADA Violations
Disability Discrimination
Racial Discrimination
Retaliation Harassment

42 U.S.C. §§2000e et seq.

ENE Assignment Requested Under
LR-16-6

JURY TRIAL DEMAND

Defendants.

COMES NOW PLAINTIFF, LUCERO SANCHEZ, individually, (hereafter “Sanchez” or “Plaintiff”), by and through her undersigned counsel of record, and does hereby allege and complain against RENOWN SOUTH MEADOWS MEDICAL CENTER, a Nevada Non-Profit Corporation, and RENOWN HEALTH, a Nevada Non-Profit Corp. (hereinafter “RENOWN” or Defendant), the Defendants, as follows:

NATURE OF ACTION

This is an action under the American with Disabilities Act of 1990, as amended by the

1 ADA Amendment Act (ADAAA) of 2008 for unlawful discrimination, 42 U.S.C. 1981 and 12131.
2 This is also a civil rights action under Title VII of the Civil Rights Act of 1964, as amended,
3 against Defendant, seeking damages, and to correct unlawful employment practices, and to
4 provide appropriate statutory relief to charging party, Lucero Sanchez. The defendant Renown
5 committed the below-described acts, which discriminated against Plaintiff based upon her race
6 and her work-related disability; and deprived her of rights guaranteed and secured under the
7 Constitution of the United States and the State of Nevada, with the intent of denying Plaintiff equal
8 protection under the law, and her other rights and liberties; and for refusing or neglecting to prevent
9 such discrimination, deprivation and denial, all as more fully specified below.

10 Plaintiff, Lucero Sanchez, brings this action under Title VII of the Federal Civil Rights Act
11 of 1964, as amended (42 U.S.C. § 1981, 2000 (e), et seq.); 29 U.S.C. § 630 et seq.; 29 U.S.C. 621
12 et seq.; the American's With Disabilities Act of 1990, 42 U.S.C. § 12131, et seq. (ADA), to remedy
13 and correct acts of employment discrimination perpetrated against her by Renown. Plaintiff
14 alleges that Renown discriminated against her because she was "**Mexican.**" Plaintiff further
15 asserts that Renown retaliated against her for having complained about such discrimination, and
16 disability discrimination, and for unfair treatment, including forcing her into a demotion, and a
17 significant reduction in her hourly wage.

18 Defendants unlawfully subjected Lucero Sanchez to an abusive and hostile working
19 environment, all because of her race and nationality, in violation of Title VII, 42 U.S.C. § 2000(e)-
20 2(a). Further, the Defendant discriminated against Sanchez notwithstanding her obvious
21 disability, and then demoted Sanchez in retaliation for her opposition to the unlawful employment
22 practices, all in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000(e)-3(a) through 17. The
23 "EEOC" found that Defendant discriminated against Sanchez because of her work-related medical
24 disability, and unlawfully refused to accommodate Plaintiff's disabilities in accordance with the
25 American with Disabilities Act. *See* Exhibit 4.

26 This action further arises under the Fourteenth Amendment to the United States
27 Constitution, as hereinafter more fully appears.

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PROCEDURAL REQUIREMENTS

On or about January 8, 2018, Plaintiff filed a workplace discrimination complaint with the Equal Employment Commission (“EEOC”), Charge No. 34B-2017-01343, (NERC) 0112-18-0007-R, based upon racial discrimination, disability discrimination, harassment, and retaliation, and the EEOC found “**Probable Cause**” of disability discrimination. *See* Exhibit 1. The claim of racial discrimination is further documented herein. The United States Equal Employment Opportunity Commission (hereinafter “EEOC”) issued a **Notice of Right to Sue** on or about June 2, 2021. *See* Exhibit 5.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 451, 1291, 1331, 1337, 1343 and 1345. Supplemental jurisdiction arises over the pendant state law claims pursuant to 28 U.S.C. § 1367(a). This action is also authorized and instituted pursuant to Section 706 (f)(1) and (3) of the Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-5 (f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Nevada.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(e). The Plaintiff was employed with Renown at the time of the alleged discrimination, and Plaintiff’s employment records for over twenty-eight (28) years have been maintained by Renown. Defendant conducts business in this judicial district, and decisions adverse to Plaintiff’s employment, that are the subject of this civil action occurred in this judicial district.

PARTIES

4. Plaintiff, as an individual, is a citizen of the United States and an adult resident of the State of Nevada. At all times relevant to this action, Plaintiff, as an individual, resided in Reno, Nevada; was employed by Renown; and is a “person” within the meaning of 42 U.S.C. § 2000(e)(a) and 29 U.S.C. § 630(a) and belongs to a class of persons protected by Title VII, and the ADA/AA, 42 U.S.C. 12131 et seq., as well as Nevada Law.

1 Defendant to join with the Commission in informal methods of conciliation to endeavor to
2 eliminate the discriminatory practices and provide appropriate relief. See Exhibit 4.

3 12. The Commission engaged in communications with Defendant to provide
4 Defendant the opportunity to remedy the discriminatory practices described in the Letter of
5 Determination.

6 13. The Commission was unable to secure, through informal methods of conciliation,
7 from Defendant, a conciliation agreement acceptable to the Commission, and a Right to Sue Letter
8 accordingly issued. See Exhibit 5

9 14. All conditions precedent to the institution of this lawsuit have been fulfilled.

10 **GENERAL ALLEGATIONS/CAUSES OF ACTION**

11 **FIRST CAUSE OF ACTION**

12 **Racial Discrimination/ Hostile Work Environment**

13 15. Lucero Sanchez (hereinafter "Sanchez") has been employed by Renown South
14 Meadows since August 18, 1993, over 28 years.

15 16. As of 2014, Sanchez's position with Renown was "Food and Nutrition Services
16 ("FNS") Coordinator." Her rate of pay was \$16.95 per hour. Her performance evaluations
17 indicate that she excelled in all her duties, which included generating financial reports,
18 coordinating events, and handling cash flows. She had her own office and a safe, in which she
19 stored cash and valuables and she made daily bank deposits using her personal vehicle. Her work
20 was primarily sedentary and required little pushing, pulling or lifting.

21 17. In October 2014, during an event planning meeting, Plaintiff's direct supervisor,
22 Christina Vargas, openly stated, "**I hate fucking Mexicans,**" to FNS Manager Justin Bart, who
23 laughed at the comment. This comment was overheard by several employees and permeated the
24 employees environment on a daily basis.

25 18. On or about June 29, 2015, a meeting was held between German Pineda, who was
26 an employee and also of Hispanic origin; and Supervisors/Managers Justin Bart, and Christine
27 Vargas; and Human Resources representative Jesse Russell. At this meeting Mr. Pineda was fired.
28 In that meeting, Sanchez was falsely accused of being a spy for Mr. Pineda, enlisted to report on

1 the workers and conduct of management. Pineda defended Sanchez but was expressly informed
2 that “it was going to change” once he was gone, **and that Sanchez would be the next one fired.**
3 This pattern of abusive racial discrimination was pervasive and was allowed and tolerated by
4 Renown. This discrimination continued during all times pertinent hereto and was emotionally
5 devastating to plaintiff.

6 19. In July 2015, Sanchez complained to HR Manager, Suzanne Oetjen, about an
7 incident with Christina Vargas, during which Mrs. Vargas physically intimidated Sanchez by
8 physically cornering her, aggressively assaulting her, and demanding the keys to the safe in
9 Sanchez’s office. Plaintiff reported to management, and in response to hearing of this incident,
10 supervisor Oetjen stated to Ms. Sanchez, **“They are new bosses and they can do what they think**
11 **is best for the company.”**

12 20. The following week, Oetjen called Sanchez into her office and falsely accused her
13 about a “mysterious package” that had allegedly been planted in Sanchez’s car. Despite the
14 obvious security concern, no law enforcement personnel were present, which is a Renown policy
15 violation. Mrs. Sanchez was physically forced to enter her vehicle and remove all its contents in
16 front of management and the head of security. Nothing was in the vehicle of course, and it was
17 emotionally and physically intimidating to Sanchez.

18 21. Shortly thereafter, Mrs. Sanchez was demoted and placed in demeaning
19 employment positions, such as a Dishwasher. See NAC 616C.586 and NRS 616A.400, and NRS
20 616C.5900. Her hourly rate of pay was reduced to \$14.48.

21 22. Sanchez was passed over twice to fill the position of FNS Supervisor, even though
22 she was the most experienced, the most qualified, and the obvious candidate for the position.
23 Sanchez was then required to perform menial work outside the scope of her FNS Coordinator
24 position, covering the Food Cashier and Dishwasher positions, and was forced to use her breaks
25 to perform her other official duties, that were crucial to the function of the FNS department, such
26 as, completing necessary paperwork and financial reports and making trips to the bank to make
27 deposits.

23. In January 2016, Sanchez was told she was going to be removed from the office she had occupied for 15 years, as it would now be occupied by Kristen Foley, a friend of Ms. Vargas.

24. During this time, defendant Renown engaged in unlawful employment practices in violation of Section 703 (a) of Title VII, 42 U.S.C. 2000e-2a, and allowed the supervisors to subject Sanchez to extremely abusive and discriminatory conduct, and to carry out an unlawful pattern of racial and disability discrimination.

25. As a direct and proximate result of the Defendants' actions as described herein, pursuant to 42 U.S.C. 2000e-5(g), Sanchez is entitled to fair compensation for any injuries she suffered as a result of the Defendants' conduct, the amount to be determined at trial of this matter.

26. The Defendants' actions towards Ms. Sanchez were willful, wanton, and done with malice, or with reckless indifference to her federally protected rights, which subjects Defendants to exemplary and punitive damages in an amount in excess of \$15,000.00 sufficient to punish, make an example and discourage future discriminatory conduct.

27. It has become necessary for Ms. Sanchez to engage the services of an attorney to commence this action and Ms. Sanchez is, therefore, entitled to reasonable attorney's fees and costs as damages.

SECOND CAUSE OF ACTION

Disability Discrimination and Policy Violations

(ADA VIOLATIONS)

28. On or about July 26, 2016, Sanchez tripped and fell over negligently placed cables and landed hard on both knees. She was treated for her right knee injuries and subsequent patellofemoral pain. Her left knee was left untreated. Her physician said he would only treat one knee at a time.

29. On July 27, 2016, occupational health prescribed that Sanchez take frequent breaks every two hours to sit down, ice her knees and elevate both legs. As she had been forced out of her FNS Coordinator office, she was now covering Cashier duties, a position which is physically demanding, requiring the stocking of merchandise, including heavy cases of drinks, heavy boxes,

1 cans and paper goods. Further, she was left without help or assistance from 6:00 AM to 10:00
2 AM, Monday through Friday of every week.

3 30. During this time, Sanchez continued to experience extreme hostility and
4 discrimination from the superiors in her office and department. Her co-workers witnessed
5 supervisors Justin Bart, Christina Vargas, Kristen Foley, Rhonda Tu, treating her with extreme
6 disrespect, and continually demeaning her with discriminatory comments and actions.

7 31. Sanchez was routinely pushed out of her office and was required to cover other
8 duties that were significantly beyond the scope of her doctor prescribed “**light duty**” work
9 limitations.

10 32. On August 14, 2016, Sanchez’ treating physician released her to “restricted” duty
11 which required her to sit for 75% of the time, minimize any bending or squatting, have 15-minute
12 breaks every two hours, and be allowed accommodation for her bilateral knee braces. Again,
13 Sanchez was left alone, without assistance from 6:00 AM to 10:00 AM, Monday through Friday.
14 A chair was provided for her to sit in, but the job required her to walk back and forth, delivering
15 meals, moving merchandise, and moving heavy snack machines and boxes every day.

16 33. On December 30, 2016, Sanchez was demoted to Food Service Cashier, **the**
17 **position in which she had already been performing.**

18 34. On March 9, 2017, Sanchez was informed by her doctors that she would be released
19 to restricted/light/modified duty on March 15, 2017. Later that same day, she received a phone
20 call from the doctor’s medical assistant, informing her that Worker’s Compensation had called to
21 tell them that Sanchez would be released to **full duty** on March 9, 2017. However, the defendant
22 was required to offer Sanchez a “**light duty with weight restrictions position.**” NERC’s,
23 investigation revealed that “despite the need for light duty accommodations, Plaintiff was required
24 to work outside of these restrictions for over one year with assignments to lift anywhere from 40-
25 50 lbs. (Summer of 2016 to Fall 2017). Plaintiff was bullied and pressured to meet these employer
26 demands, and as a result severely exacerbated her knee injuries and deteriorating physical
27 condition.

1 35. On March 10, 2017, Sanchez received a phone call from Shawn LaVac informing
2 her of another job offer from her employer, that was inconsistent with her disability.

3 36. On June 8, 2017, Sanchez' doctor wanted to release her to full duty, but she
4 informed him that her knee condition had not improved. He told her if he released her to
5 permanent restrictions/disability, **she would get fired.**

6 37. As of July 21, 2017, the rate of Plaintiff's pay was reduced to
7 \$14.48 an hour, which was not the same prior to her injury. The light duty job offered was the
8 same job she had been doing for the past two years and **was not a light duty position.**

9 38. The initial industrial injury claim was for both knees, but as of August 2, 2017, the
10 left knee was still untreated.

11 39. On August 2, 2017, Sanchez was contacted by Shawn LaVac to let her know of the
12 demotion and pay cut. LaVac claimed to be unaware of the discrimination. Lucero informed her
13 that the left knee had not yet been treated, and LaVac responded that Sanchez would have to reopen
14 the case. Sanchez sent LaVac photos of her knees to demonstrate the condition of her knees and
15 the conditions under which she had been working. Thereafter, Renown wholly failed to
16 accommodate Sanchez with a light duty position in accordance with 42 U.S.C. 12131, and 42
17 U.S.C. 1981.

18 40. Sanchez's physical condition continued to deteriorate, and her knees continued to
19 be swollen and unstable, due to Defendant's noncompliance with the medically imposed light duty
20 restrictions.

21 41. On or about February 2021, Sanchez underwent a full right knee replacement, (total
22 right knee arthroplasty) at an approximate cost of \$175,000 and suffered significant pain and
23 permanent residual disability. Her present medical and emotional condition was proximately
24 caused by and related to her original industrial injury, and the subsequent work conditions imposed
25 on her by Renown.

26 42. Under Title VII it is unlawful to discriminate against an employee with respect to
27 compensation, terms, conditions, or privileges of employment because of an individual's national
28 origin. As a direct and proximate result of the Defendants' actions as described herein, pursuant

1 to 42 U.S.C. 2000e-2(a)(1)5(g) and 42 U.S.C. 12131, Sanchez is entitled to fair compensation for
2 any injuries she suffered as a result of the Defendants' conduct, the amount to be determined at
3 trial of this matter.

4 43. The Defendants' actions towards Ms. Sanchez were willful, wanton, and done with
5 malice, or with reckless indifference to her federally protected rights, which subjects Defendants
6 to exemplary and punitive damages all in an amount in excess of \$15,000, sufficient to punish
7 Defendant, make an example and discourage future discriminatory conduct.

8 44. It was necessary for Ms. Sanchez to engage the services of an attorney to commence
9 this action and Ms. Sanchez is, therefore, entitled to reasonable attorney's fees and costs as
10 damages.

11 **THIRD CAUSE OF ACTION**

12 **Retaliation**

13 45. Defendant further engaged in unlawful employment practices in violation of
14 §704(a) of Title VII, 42 U.S.C. § 2000e-3(a) and 5(g) when it retaliated against Charging Party
15 Lucero Sanchez by terminating her prior position and demoting her, all because she complained
16 and engaged in protected activity.

17 46. In July 2015, Sanchez informed the Human Resources Director, Suzanne Oetjen,
18 about an incident wherein Sanchez' direct supervisor, Christina Vargas, literally cornered
19 Sanchez, aggressively poked her, and demanded the keys to Sanchez's office. Ms. Oetjen
20 informed Sanchez that "they" were new bosses and they could do what they thought was best for
21 the company.

22 47. On January 19, 2018, Sanchez met with HR personnel, Jarret Peace and Claudia
23 Martinelli, regarding the findings of the internal investigation into the ongoing discrimination.
24 She was informed that the FNS Department had been in a very stressful environment under the
25 management of Christina Vargas. According to Renown, the racial discrimination was directly
26 admitted, and all the blame was placed directly on Vargas, Justin Bart, Kristen Foley and Rhonda
27 Tu. Vargas was terminated May 2017, upon information and belief, and Kristen Foley was later
28 terminated.

48. Sanchez's request for a written report of the investigation findings was denied. She was told a report would be provided by counsel. The report was not provided.

49. When Ms. Sanchez complained of harassment, she was engaging in a protected activity.

50. After complaining of discrimination and harassment, the Defendants subjected Plaintiff to an adverse and illegal employment action.

51. The adverse employment action to which Sanchez was subjected was a direct result of her complaining about discrimination and harassment.

52. As a direct and proximate result of the Defendants' actions as described herein, pursuant to 42 U.S.C. 2000e-5(g), Sanchez is entitled to fair compensation for any injuries she suffered because of the Defendants' conduct, the amount to be determined at trial of this matter.

53. The Defendants' actions towards Ms. Sanchez were willful, wanton, and done with malice, or with reckless indifference to her federally protected rights, which subjects Defendants to exemplary and punitive damages in an amount in excess of \$15,000 sufficient to punish, make an example and discourage future discriminatory conduct.

54. It was necessary for Ms. Sanchez to engage the services of an attorney to commence this action, and Ms. Sanchez is, therefore, entitled to reasonable attorney's fees and costs as damages.

FOURTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

55. Mrs. Sanchez repeats and alleges each and every allegation contained in Paragraphs 1 through 54, above, as though fully set forth herein.

56. Renown's illegal conduct towards Sanchez was extreme and outrageous.

57. Renown conduct towards Sanchez was intended to cause Sanchez emotional distress, and or was done in reckless disregard of her protected rights.

58. As a direct and proximate result of Renown's illegal actions, Sanchez has suffered severe or extreme emotional distress, including but not limited to anxiety, confidence issues,

1 problems in her marriage, breakdowns at home and at the office, depression and other related
2 issues.

3 59. As a direct and proximate result of Renown's illegal actions, Ms. Sanchez had to
4 seek professional treatment, and in doing so, she incurred reasonable medical costs in an amount
5 in excess of \$15,000, the exact amount to be determined at trial. Sanchez reserves the right to
6 amend this complaint to insert the exact amount as the medical costs are incurred and/or
7 ascertained.

8 60. As a direct and proximate result of Renown's illegal actions, Sanchez has suffered
9 general damages for pain and suffering in an amount in excess of \$15,000, the exact amount to be
10 determined at trial.

11 61. As a direct and proximate result of Renown's illegal actions, Ms. Sanchez will in
12 the future be caused to, expend sums of money for medical care and expenses incidental thereto,
13 the total amount of which cannot at this time be determined, but which will be determined at trial.

14 62. Renown is guilty of oppression, fraud or malice, express or implied; therefore,
15 Sanchez is entitled to recover damages for the sake of example and by way of punishing
16 Renown in an amount in excess of \$15,000.

17 63. Mrs. Sanchez was required to engage the services of an attorney to commence this
18 action and she is, therefore, entitled to reasonable attorney's fees and costs as damages.

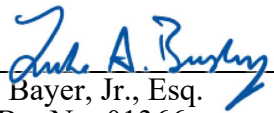
19 **PRAYER FOR RELIEF**

20 **Wherefore,** Plaintiff prays for relief against Defendants, and each of them, as follows:

21 1. For a permanent injunction enjoining Defendant(s), their officers, successors,
22 assigns, and all persons in active concert or participation with them, from engaging in any
23 employment practice in violation of §§ 703(a) and 704(a) of Title VII of the Civil Rights Act of
24 1964 and the ADA Act of 1990.

25 2. For an order requiring Defendants to institute and carry out policies, practices, and
26 programs to ensure that they will not engage in further unlawful employment practices in violation
27 of §§703(a) and 704(a) of Title VII of the Civil Rights Act of 1964 and the ADA Act of 1990.
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1 RESPECTFULLY SUBMITTED this 12 of August, 2021:

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EXHIBIT LIST

Exhibit #	Title	Pages
1	EEOC 1/8/18 Sanchez Charge of Discrimination	5
2	EEOC Ltr 1/16/18 Investigation	2
3	Sanchez Brief in Response to Renown Denial of Discrimination dated 11/14/18	5
4	EEOC Discrimination Ltr (“Probable Cause”) dated 4/20/21	2
5	EEOC Notice of Right to Sue Ltr dated 6/2/21	1